

TOWN OF COLCHESTER
COUNTY OF CHITTENDEN
STATE OF VERMONT

In Re: Malcolm F. & Gladys C. Severance
 Malcolm F. Severance Trust
 2179 Roosevelt Highway
 Colchester, VT 05446

Bart Frisbie
Sterling Construction, Inc.
4049 Williston Road, Suite 8
South Burlington, VT 05403

Roosevelt Highway
Tax Map 8, Parcel 38-2
Account #08-038023-0000000

FINDINGS OF FACT

On the 28th day of November 2007, the Colchester Development Review Board approved the Final Plat and Site Plan applications of Malcolm and Gladys Severance and Bart Frisbie to subdivide a 63 acre parcel for forty-nine single-family homes (49), four duplexes (8 units), and seven multi-family buildings (56 units) for a total of 113 units. This approval applies to lands identified in Book 575, Page 466 of the Colchester Land Records. The subject property is located on Roosevelt Highway, Tax Map 8, Parcel 38-2.

I. DISCUSSION

This project consists of a Final Plat application for a Planned Unit Development on a 63 acre parcel for forty-nine single-family homes (49 units), four duplexes (8 units), and seven multi-family buildings (56 units) for a total of 113 units. The subject property is located on Roosevelt Highway and Severance Road, Tax Map 8, Parcel 38-2.

The property is located within the General Development Three District and is bounded on the west by Roosevelt Highway and single-family residences, on the north by an agricultural operation, on the east by vacant agricultural land and the VT289 corridor, and on the south by Severance Road. The Water Protection Overlay District is present on the parcel.

As of the date of issuance of the Findings of Fact and Order the following person(s) have been granted interested party status:

1. Eugene Button, 2497 Roosevelt Highway, Colchester, Vermont 05446

The following is an excerpt from the minutes of November 28, 2007:

H. Downing stepped down from the Board and left the room.

Bart Frisbie and Colin Frisbie of Sterling Construction and Andy Rowe of Lamoureux & Dickinson appeared on behalf of the Final Plat and Site Plan applications.

Bart Frisbie directed the presentation and the following information was presented:

- change that the Glen Oak Drive hammer head has been eliminated;
- plan includes a detailed recreation area;
- the plan includes two different play apparatuses for different age groups;
- there will be a wading pool, swimming pool and pavilion;
- there is a trail system through the woods;
- the plan includes installing a smooth style wire fence from Route 7 to demark the planned residential development property from the adjoining property owner of Eugene Button;
- the fence will be designed to allow animal life to move north/south;
- satellites will be located, as best as possible, so they are not visible and will be screened as best as possible;
- the project build-out will be done over four phases and each phase is expected to take one to three years;
- a warrant analysis will be conducted at the end of phase 3;
- a request has been made to VTRANS to reduce the speed limit to 35 or 40 mph in the area of the development on Roosevelt Highway.

The Board reviewed the application.

Eugene Button, 2479 Roosevelt Highway thanked Mr. Frisbie for mentioning the installation of a fence. E. Button asked for clarification to make sure that the association will be responsible for maintaining the fence. B. Frisbie assured Mr. Button that the association will maintain the fence and that will be included in the covenants.

A **motion** was made by M. Palmer and **seconded** by J. McSweeney to close the public hearing. The **motion passed** with a vote of 4 – 0.

H. Downing returned to the Board.

II. FINDINGS OF FACT

The Development Review Board has found that the project will not have any adverse effects as defined by the criteria listed in the Town of Colchester Zoning Regulations and the Subdivision Regulations.

Section 4.03C & D General Development Four District: The Board granted Preliminary Plat approval for the project to be constructed in four phases over a maximum of ten years: 1) phase

one including 25 single-family homes on lots 13-26, 40-46, 54-57 and two duplex units referred to as units 11-12 being constructed over three years, 2) phase two including 20 single-family homes on lots 27-39, 47-53 and the playground recreation area being constructed over one-and-a-half years, 3) phase three including four single-family homes on lots 7-10, six duplex units referred to as units 5-10, eight multi-family units in Building A and the pool and pavilion recreation area being constructed over two years, and 4) phase four including 48 multi-family units in Buildings B-G being constructed over three years. This phasing is partially needed due to limited municipal infrastructure such as municipal sewer.

Each phase shall be substantially completed prior to the start of the next phase. Should a phase not be fully completed prior to advancing to the next phase, the public improvement agreement should withhold the necessary funds to complete the remainder of the unfinished phase until such time as it is completed.

Section 4.03E Area, Density, and Dimensional Requirements: The applicant was granted the following waivers at Preliminary Plat:

1. reduction of the minimum lot size from 10,000 sq. ft. to 7500 sq. ft.;
2. reduction of the minimum street frontage from 100 ft. to a 31.1 ft;
3. reduction of the minimum side yard setback from 15 ft. to 10 ft;
4. reduction of the minimum front yard setback from 30 feet to 20 feet for the single-family lots;
5. reduction of the minimum front yard setback from 30 feet to 10 feet for the multi-family lots;
6. reduction of the minimum rear yard setback from 25 feet to 10 feet
7. reduction of the minimum front setback from an arterial street from 75 feet to 50 feet along the Circumferential Highway right-of-way
8. reduction of the PUD buffer by 8 feet from 50 feet to 42 feet for Building G.

Section 4.03F Additional Standards: The applicant proposed design guidelines for the multi-family buildings (Buildings A-F) under tab fifteen of the application as well as renderings under tab sixteen. The colonial revival style buildings will be two stories in height overtop a drive-under garage with a front gabled roof clad with earth-tone or light pastel vinyl siding and topped with architectural grade asphalt shingles. These buildings will have drive-under garages that are mostly below grade. Architectural details, including porticos, corner boards, and shutters, will be employed to break up the massing of the buildings and articulate the facades. The applicant applied for Site Plan with Final Plat thereby allowing the minor changes to the multi-family buildings to be handled administratively as long as the alterations are in keeping with the intent of the design guidelines.

Section 4.03F(1)(a) Building Configurations: Buildings are designed to reduce the visual massing of the structures through the use of varied roof lines, gables as well as variation in colors.

Section 4.03F(1)(b) Building Heights & Scale: All buildings shall conform to the 40 foot height limitation. The eight-plex buildings will be approximately 30 feet high including the

drive-under garage level. Building height is measured from average preconstruction grade to half way to the top of the ridge on peak-roofed structures.

Section 4.03F(1)(c) Roofs: It is anticipated that all mechanical equipment for the eight-plex buildings will be located on the ground and screened by evergreen plantings or fencing. However, if roof mounted mechanical equipment is necessary it shall be shielded from view by screen walls per the multi-family design guidelines.

Section 4.03F(2)(a) Pedestrian Accessibility: Sidewalks are provided as required throughout the project along proposed roads. Sidewalks are linked to the proposed eight-plex structures with landscaping being proposed around the entrances. The applicant provided sidewalks leading to a well landscaped recreational amenity lot thereby connecting focal points of pedestrian activity. Since Preliminary Plat, the applicant revised the application to connect Lots 7 through 11 to the rest of the development via a primitive pedestrian path running parallel to Roosevelt Highway.

Section 4.03F(2)(c) Central Features & Community Spaces: This portion of the Zoning Regulations calls for: “Each establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Development Review Board adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the buildings and landscape.” Since the proposed project is residential in nature, does not contain establishments, and seeks to preserve several natural areas staff did not recommend construction of substantial central features. The applicant proposed a network of informal off-road pedestrian trails to link the natural areas together. Benches are proposed at focal points along the bike path. The pond area or wet areas bisecting the Owls Glen loop should be utilized as points of visual interest along the proposed trail as well as views of the mountains to the east. The applicant stated that two benches will be added within this area with final siting to be determined once the trail has been laid out on site. A formal recreation area is proposed at the intersection of public streets “A” and “D”. These sitting areas should serve as central features.

Section 4.03F(2)(d) Outdoor Furniture: Outdoor furniture such as benches and other forms of seating and trash receptacles should be located for the convenience of the pedestrian. The applicant tied pedestrian ways together with green areas utilizing benches. The pond area or wet areas bisecting the Owls Glen loop should be utilized as points of visual interest along the proposed trail as well as views of the mountains to the east. The applicant stated that two benches will be added within this area with final siting to be determined once the trail has been laid out on site. The plans should be revised to indicate that two additional benches will be added to this general area. A typical of the proposed benches has been submitted under tab twelve.

Section 4.03F(2)(e) Parking Design: Care has been taken to reduce the visual dominance of automobiles in building design and parking lot layout. Headlights from parking areas shall be screened from off-site glare through the use of landscaping in the eight-plexes. Plantings have been added since Preliminary Plat to screen Building “C” from the parking area for Buildings “A” and “B”.

Section 4.03F(3) Landscaping: Street trees and foundation plantings for the eight-plex buildings are shown on Sheets 19 and 20. Landscaping has been diversified to prevent against blight with a variety of oak, maple, and flowering trees proposed as street trees. Street Trees are located within the Right-of-Way wherever there is not a conflict with underground infrastructure. Evergreen trees are proposed for earthen berms around Buildings “D” and “E” to buffer these buildings from the Circumferential Highway corridor (VT289). Landscaping typicals have been provided for the duplex buildings on Sheet 20 noting general locations for a variety of small and medium shrubs, small flowering trees, and small trees that will act as a buffer between the rear yards of the units. A landscaping plan for the recreation lot is provided on Sheet 20A showing a variety of shrubs and trees defining the recreational amenities.

Section 4.03F(4) Dumpsters: The trash containers for the eight-plex buildings will be located within the underground garage areas. All other dwellings will have individual trash cans. The applicant has provided a typical of the drive-under garage layouts.

Section 4.03F(5) Loading Docks & Delivery / Loading Operations: None proposed.

Section 9.01C Planned Unit Development General Standards: The project encompasses an area greater than five acres. The proposal demonstrates an effective and unified treatment of the development possibilities on the project site through the use of pedestrian ways linking open spaces to dwellings and the location of a central recreational amenity. Lots are numbered including the open space lots. The applicant was granted specific waivers including reduction of the setback to the VT289 corridor at Preliminary Plat.

Section 9.01D Specific Standards: All proposed lots are regularly shaped. Open space is planned to be contiguous. The applicant was granted the following waivers per the Planned Unit Development Section Nine of the Zoning Regulations at Preliminary Plat:

1. reduction of the minimum lot size from 10,000 sq. ft. to 7500 sq. ft.
2. reduction of the minimum street frontage from 100 ft. to 31.1 ft.
3. reduction of the minimum side yard setback from 15 ft. to 10 ft.
4. reduction of the minimum front yard setback from 30 feet to 20 feet for the single-family lots
5. reduction of the minimum front yard setback from 30 feet to 10 feet for the multi-family lots
6. reduction of the minimum rear yard setback from 25 feet to 10 feet
7. reduction of the minimum front setback from an arterial street from 75 feet to 50 feet along the Circumferential Highway right-of-way
8. reduction of the PUD buffer by 8 feet from 50 feet to 42 feet for Building G

Section 9.01D(3) Open Space: The plans depict 32.04 acres of Open Space or 51% of the overall project. The applicant provided a draft Declaration of Covenants and a Draft Declaration of Condominium for the project which indicates that the proposed open space will be maintained by a Homeowners' Association. Primitive paths are proposed through the open space areas around Class II and III wetlands providing for enjoyment of these natural areas without detriment.

Section 9.01D(4) Varied Types of Dwellings: This section of the ordinance encourages varied types of dwellings within a PUD. Varied yet complementary types of architectural style, construction, lot sizes, building material, and exterior colors are strongly encouraged. Identical replication of structures, textures and color is strongly discouraged. Realizing that buyers will request customizations and varied plans for the single-family units, the applicant provided design guidelines within the Homeowners' Association documents. The applicant provided examples of single-family homes under tab seventeen of the application showing a range of possible building types and details. The applicant also submitted renderings of the eight-plex units with design standards providing for variation in the colors of these buildings.

Section 10.01 Off Street Parking, Loading & Circulation: All single family dwelling units require two parking spaces not stacked. All multi-family units require two parking spaces per unit and one additional parking space for every four units. The duplex buildings will have two-car garages. The eight-plex buildings require 18 parking spaces. The applicant has proposed eight underground parking spaces and ten surface parking spaces for each eight-plex. One handicapped parking space is provided per eight-plex as required.

Section 10.02 Outdoor Illumination: The applicant proposed the following parking lot lights for the eight-plex area: 1) seven 100-watt, metal halide, AC Series building-mounted lights with mounting heights of 14 feet and 2) fifteen 100-watt, metal halide, Hadco Homeland V602 pole-mounted lights with mounting heights of 15 feet. The average illumination of the parking areas is .13 footcandles (fc) and does not exceed the maximum of one fc. The maximum uniformity ratio of 20:1 is not exceeded as the proposed on-site ratio is 6:0.

Section 10.03 Outside Storage & Display: No outside storage is requested or approved at this time.

Section 10.04 Landscaping, Screening, and Street Trees: Street trees and foundation plantings for the eight-plex buildings are shown on Sheets 19 and 20. Landscaping has been diversified to prevent against blight with a variety of oak, maple, and flowering trees proposed as street trees. Street Trees are located within the Right-of-Way wherever there is not a conflict with underground infrastructure. Evergreen trees are proposed for earthen berms around Buildings "D" and "E" to buffer these buildings from the Circumferential Highway corridor (VT289). Landscaping typicals have been provided for the duplex buildings on Sheet 20 noting general locations for a variety of small and medium shrubs, small flowering trees, and small trees that will act as a buffer between the rear yards of the units. A landscaping plan for the recreation lot is provided on Sheet 20A showing a variety of shrubs and trees defining the recreational amenities.

Section 10.05 Utility Cabinets and Similar Structures: Utility cabinets are shown on the plans. All cabinets are shown with sufficient evergreen landscaping effectively screen these facilities from the surrounding property. Similar landscaping or fencing should be used to screen Pump Station Two and Three from the adjacent residential lots. Plantings should also be located around street light disconnects so that the equipment is not visible from the street.

Section 10.06 Trash Containers: The trash containers for the eight-plex buildings will be located within the drive-under garage areas. All other dwellings will have individual trash cans. It is recommended that specific areas within the drive-under garages be provided for trash containers with, at a minimum, curbing so containers do not interfere with parking or roll into parked cars.

Section 10.07 Numbering Systems: Multi-family residences shall contain appropriate directional signs, as defined in the Colchester Sign Ordinance, and numbering systems at major entrances. The applicant has provided street names that comply with the Town's standards. All directional signage, street name signs, and unit numbers shall be installed prior to issuance of a Certificate of Occupancy.

Section 10.11 Satellite Dishes: All satellite dishes shall be attached to a primary structure. No more than two satellite dishes shall be located on a structure without site plan approval by the Development Review Board. Every effort shall be made to screen such dishes and locate such dishes off the primary façade of a structure. The Declaration of Covenant shall incorporate this language in the regulation of satellite dishes in Section 7.09.

Section 10.12 Bus Shelters: The applicant met with the CCTA about their organization's future plans for serving Colchester. As a result of this meeting the applicant proposed conveying a piece of land along Roosevelt Highway to the Town for a future bus shelter. Similar to all other easements to be provided to the Town, the Town's Attorney shall review and approve the easement prior to issuance of a building permit. This easement shall be drafted so that the Town may re-convey the easement area to a bussing entity such as the CCTA in the future.

SUBDIVISION REGULATIONS

Section 301 Required Improvement List: The project will be expected to comply with this section of the Subdivision Regulations as part of the Final Plat approval.

Section 302 Suitability of Land: The applicant has demonstrated that the proposed 113 units do not exceed the allowable density for the property.

Section 303 Lot Layout: All proposed lots are regularly shaped. Open space is planned to be contiguous. The applicant has requested waivers per the Planned Unit Development Section Nine of the Zoning Regulations. A list of these waivers is provided in Section 901D of the Zoning Regulations above.

Section 304 Building Envelopes: The plans depict both building footprints and envelopes.

Section 305 Monuments and Lot Corner Markers: The proposed lots will be expected to comply with this section of the Subdivision Regulations as part of the Final Plat approval.

Section 306 Energy Conservation: All residential units must meet or exceed the Vermont Residential Building Energy Standards.

Section 307 Water Supply: Fire District Three stated that it has the ability to provide the 49,950 gallons per day allocation requested by the applicant. Prior to issuance of individual building permits, the applicant shall submit a letter from CWD stating that there is adequate water storage to serve the project.

Section 308 Sewage Disposal: The project is within the municipal sewer service area. The applicant submitted calculations that the project will require 25,590 gallons per day (gpd) of wastewater allocation. The applicant secured 15,665 gpd. The applicant's phasing plan for the project shows that there is sufficient wastewater allocation to complete the first three phases and one eight-plex within phase four. Prior to advancement to phase four, the applicant shall receive wastewater allocation for the remainder of the units or provide a septic plan showing how the wastewater will be accommodated.

All manholes shall be provided with heavy-duty Class 400 ductile iron manhole frames and covers. All ductile iron frames and covers shall conform to the latest version of ASTM Specifications A536. The frames and covers shall be rated to carry a minimum design load of AASHTO H-20. The frames and covers shall have a minimum thirty inch diameter clear opening and a minimum frame depth of five inches. The frames and covers shall be heavy-duty Pamrex thirty-two inch covers as manufactured by saint-Gobain Canalition or an approved equal. The manhole covers shall have the word "SEWER" cast on them and the remainder of the cover shall be cast with a raised design or other approved non-skid surface. The covers shall be coated to provide corrosion resistance. The frames and covers shall be hinged and open to 100 degrees with a blocking mechanism at 90 degrees that will prevent accidental closure. The frames and covers shall be supplied with locking devices. All frames shall be circular. All covers shall be supplied with infiltration plugs. An elastomer gasket shall be provided between the frame and cover to seat the closed cover. Covers shall be one-man operable with integral lifting slots.

Manholes shall be constructed to grade with at least one grade ring. The manhole risers shall be constructed with a combination of precast concrete grade rings and rubber composite grade rings. All grade rings shall have a minimum outside diameter of forty-two inches and a thirty inch diameter clear opening. The minimum thickness for a precast concrete grade ring shall be three inches and the maximum thickness of a grade ring or combination of grade rings shall be twelve inches. The minimum thickness for a rubber composite grade ring shall be half an inch and the maximum height of the stacked rubber composite grade rings shall not exceed three inches. Tapered rubber composite grade rings shall be used to adjust covers to sloping finished grades. All grade rings shall be rated for H-20 loading. The rubber composite grade rings shall be Infra-Riser or an approved equal. The concrete manhole cone and riser shall have a minimum thirty-inch diameter clear opening to match the grade rings and cover. The

Wastewater Wet Well detail on Sheet 31 should reference a minimum thirty inch by thirty inch access hatch.

Section 309 Site Preservation and Landscaping: Wooded areas and limits of clearing are also shown on the plans. The site is fairly well vegetated and the proposed plan takes advantage of natural screening in siting dwellings. Street trees and foundation plantings for the eight-plex buildings are shown on Sheets 19 and 20. Landscaping has been diversified to prevent against blight with a variety of oak, maple, and flowering trees proposed as street trees. Street Trees are located within the Right-of-Way wherever there is not a conflict with underground infrastructure. Evergreen trees are proposed for earthen berms around Buildings “D” and “E” to buffer these buildings from the Circumferential Highway corridor (VT289). Landscaping typicals have been provided for the duplex buildings on Sheet 20 noting general locations for a variety of small and medium shrubs, small flowering trees, and small trees that will act as a buffer between the rear yards of the units. A landscaping plan for the recreation lot is provided on Sheet 20A showing a variety of shrubs and trees defining the recreational amenities.

Section 310 Streets: All proposed streets must meet the Public Works Standards and Specifications unless waived by the Director of Public Works. The stipulations of the waivers received from the Director dated March 9, 2007 will be incorporated into the order of a Final Plat approval. The applicant has revised the phasing plan since Preliminary Plat to address previous concerns regarding construction of the of the main loop road, Public Street “A”.

Due to the width of the proposed streets, the Police Chief recommended that parking only be allowed on one side of the loop street, Public Street “A”, and the roads serving the eight-plexes: Public Streets “D” and “E”. All other streets within the project shall not be allowed on-street parking. The applicant has proposed signs restricting on-street parking to only one side of the street on Owls Glen Circle, Glen Oak Road, and Sunny Ridge Road (public streets A, C, and D).

Section 311 Pedestrian Access: Sidewalks are provided as required throughout the project along proposed roads. Sidewalks are linked to the proposed eight-plex structures with landscaping around the entrances. The applicant provided sidewalks leading to a well landscaped recreational amenity lot thereby connecting focal points of pedestrian activity. Since Preliminary Plat, the applicant revised the application to connect Lots 7 through 11 to the rest of the development via a primitive pedestrian path running parallel to Roosevelt Highway. The applicant is also working with the Town on a Public/Private Partnership Agreement that will specify the applicant and the Town’s responsibilities to construct peripheral bike and pedestrian improvements.

Section 312 Utilities: All utilities shall be underground. The project will be expected to comply with this section of the Subdivision Regulations as part of the Final Plat approval.

Section 313 Storm Drainage & Erosion Control: The applicant submitted a stormwater management plan that meets the design requirements for a 25 year storm. The applicant must execute a maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management measure. The maintenance agreement shall be recorded in the land records before the issuance of a building permit. The Homeowners Association and the Town of Colchester will become co-applicants on the stormwater permit upon acceptance of the stormwater infrastructure within the Right-of-Way by the Town.

It should be noted that footing drains are proposed to connect to the Town's storm sewer. The applicant shall have an indemnification article in each homeowner's deed that states that the Town will be held harmless should groundwater backup into any residence. The proposed 8" SDR35 PVC Stub for the yard drain at Lot 16, if constructed, shall include a catch basin structure.

Section 314 Excavation & Grading: The project will be expected to comply with this section of the Subdivision Regulations as part of the Final Plat approval.

Section 315 Outdoor Lighting: The applicant proposed the following parking lot lights for the eight-plex area: 1) seven 100-watt, metal halide, AC Series building-mounted lights with mounting heights of 14 feet and 2) fifteen 100-watt, metal halide, Hadco Homeland V602 pole-mounted lights with mounting heights under 15 feet. The average illumination of the parking areas is .13 footcandles (fc) and does not exceed the maximum of one fc. The maximum uniformity ratio of 20:1 is not exceeded as the proposed on-site ratio is 6:0. Sheet 22 should be revised as the detail for Street Lighting is incorrectly labeled as "Typical Parking Lot Light".

Section 316 Recreation Areas: The applicant is proposing a network of informal off-road pedestrian trails to link the natural areas together. A multi-use path is proposed that will link the project to Severance Corners through the eight-plex area with benches along it. A formal recreation area is proposed at the intersection of public streets "A" and "D": Owls Glen Circle and Sunny Ridge Drive. This recreation area includes a pool, with a shallow wading pool, a swing set, a pavilion, and a tot-lot geared toward children age two to age five. This recreation lot is well landscaped so as to define each of the recreation amenities and provide a variety of sitting areas. This recreation lot will be constructed as part of the second phase and will be owned and maintained by the Homeowners' Association.

Section 317 Open Space & Common Land: The plans depict 32.04 acres of Open Space or 51% of the overall project. The applicant has provided a draft Declaration of Covenants and a Draft Declaration of Condominium for the project which indicates that the proposed open space will be maintained by a Homeowners' Association. Primitive paths are proposed through the open space areas around Class II and III wetlands providing for enjoyment of these natural areas without detriment.

Section 318(A) Pollution: One of the driving concepts behind this District is the integration of shopping, services, and employment with residential opportunities. The proposed development will offer a high density residential neighborhood adjacent to the approved commercial uses. This combination of uses can reduce automobile dependency, and therefore reduce auto emissions. The applicant stated that all buildings will be designed to the energy performance requirement in the Vermont Act 250 Energy Guidelines.

Section 318(B) Water Supply: The applicant provided a letter confirming the ability to serve the project with 49,950 gallons per day from Fire District Three. The Fire District is working with the Champlain Water District on obtaining sufficient water storage. Until this issue is resolved, the applicant will need to construct the project through the proposed phasing plan which has been based on current supply of water storage and sewerage. Prior to issuance of individual building permits, the applicant shall submit a letter from CWD stating that there is adequate water storage to serve the project. Fire District #3 shall review and approve the proposed water system design prior to Final Plat submittal.

Section 318(C) Soil Erosion: The applicant submitted a stormwater management plan that meets the design requirements for a 25 year storm. The applicant must execute a maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management measure. The maintenance agreement shall be recorded in the land records before the issuance of a building permit. The Homeowners Association and the Town of Colchester will become co-applicants on the stormwater permit upon acceptance of the stormwater infrastructure within the Right-of-Way by the Town.

Section 318(D) Traffic: A traffic study was submitted and reviewed by the Town Engineer. The project is anticipated to generate 894 average weekday vehicle trip ends with 83 of these occurring in the AM peak hour and 104 of these occurring in the PM peak hour. The study indicates that the project will cause a letter grade deficiency in the level of service for eastbound traffic on Blakely Road during the PM peak hour in 2007 and in the AM peak hour southbound Roosevelt Highway traffic in 2012. The applicant proposed solutions to mitigate traffic impacts that include reducing the speed limit on Roosevelt Highway in the vicinity of the project from 50 miles per hour to 40. Other solutions include the installation of turn lanes on Roosevelt Highway. As this is a State Highway and the applicant will be subject to State Highway Permits, the applicant should continue to work with the State as well as the Town to implement the appropriate solutions. The applicant is currently working with the Town and State to examine reducing speed limits within this area.

A phasing table for the project was submitted. The applicant shall perform a warrant analysis and construct all necessary improvements prior to advancing to the fourth phase of the project. The applicant shall contribute toward the design and construction of improvements to the Severance Corner's Intersection and pedestrian improvements along Severance Road and U.S. Rt. 7 as outlined in a Public/Private Partnership Agreement currently being negotiated between the Town of Colchester and all Developers within the Severance Corners Growth Center.

Section 318(E) Natural Areas: The Class II and III wetlands and applicable buffer are shown on the plans. Wooded areas and limits of clearing are also shown on the plans. The applicant stated that while care has been taken to limit impacts to wetlands, permits are being pursued at the State and Federal level for impacting the wetlands and wetland buffers. It appears that some of these impacts will be the crossing of proposed public streets and associated infrastructure through the wetlands. The applicant provided the Town with draft requirements of State and Federal permits with the Final Plat application to ensure that no unmanageable requirement will be placed upon the proposed public infrastructure. The applicant provided information on rare or threatened species, habitat, or natural areas on the project site per the 2007 Municipal Plan. The State concurred that no rare, threatened, or endangered species are located in the project area.

Section 318(E) Historic Sites: The applicant performed archaeological investigations on the property under the review of the State Division for Historic Preservation. The applicant enclosed a letter from the Division stating that the applicant produced the necessary information on the project's potential impacts to archaeological resources and no additional study is necessary. The proposed project design should therefore not have an adverse impact on historic resources.

Section 318(F) Streets & Public Facilities: A Homeowners' Association will be required to execute a Maintenance Agreement for all stormwater improvements located outside of the Town's right-of-way. The Association shall be co-applicants with the Town on a Stormwater Discharge Permit. The Town's Attorney shall review and approve the Agreement as well as all proposed rights-of-way, easements, and other property to be turned over to the Town. It is recommended that draft legals be submitted with the Final Plat application for review by the Town's Attorney.

Section 318(G) School Review: The applicant shall submit correspondence from the Superintendent of Schools indicating the impact on the Colchester school system prior to the Final Plat hearing.

Section 318(H) Governmental Services:

The Colchester Life Safety Officer has consulted with the two fire departments that service Colchester and had the following comments:

1. The multi-family buildings will be required to be equipped with sprinklers with a four-inch STORZ fire department connection (FDC) in a location to be determined by the Officer.
2. A locator light shall be placed above the FDC on the multi-family buildings.
3. An access box shall be placed on the exterior of the multi-family buildings in a location to be determined by the Officer. All keys, as necessitated under Section 43 of the Chapter Seven of the Colchester Code of Ordinances (Fire Regulations), shall be supplied to the Colchester Center Volunteer Fire Company to be located in the box prior to issuance of a Certificate of Occupancy.
4. Fire alarm panels shall be installed on the multi-family buildings in a location to be determined by the Officer.

5. If the multi-family buildings employ elevators, the elevators shall meet the specifications of Section 62 of the Fire Regulations.
6. All fire hydrants shall meet or exceed the minimum National Fire Protection Association flow requirements.

Section 403 Escrow Requirements: The applicant should provide letters of credit or escrows for the proposed streets, sidewalks, public infrastructure, and landscaping. The applicant shall phase the letter of credit per the construction phasing plan prior to issuance of a building permit.

Dated at Colchester, County of Chittenden, State of Vermont this 12th day of December 2007

DEVELOPMENT REVIEW BOARD

TOWN OF COLCHESTER

COUNTY OF CHITTENDEN

STATE OF VERMONT

In Re: Malcolm F. & Gladys C. Severance
 Malcolm F. Severance Trust
 2179 Roosevelt Highway
 Colchester, VT 05446

Bart Frisbie
Sterling Construction, Inc.
4049 Williston Road, Suite 8
South Burlington, VT 05403

Roosevelt Highway
Tax Map 8, Parcel 38-2
Account #08-038023-0000000

ORDER

Based upon the aforesaid Findings of Fact, the Colchester Development Review Board hereby grants approval of the Final Plat and Site Plan applications of Malcolm & Gladys Severance and Bart Frisbie to subdivide a 63 acre parcel for forty-nine single-family homes (49), four duplexes (8 units), and seven multi-family buildings (56 units) for a total of 113 units. This approval applies to lands identified in Book 575, Page 466 of the Colchester Land Records. The subject property is located on Roosevelt Highway, Tax Map 8, Parcel 38-2. The approval is per a thirty-six (36) page set of plans entitled "Owls Glen at Severance Corners Final Plans" last revised 9/28/07 prepared by Lamoureux & Dickinson and stamped received by the Planning and Zoning Office on October 9, 2007 with the following conditions:

1. All previous approvals and stipulations which are not superseded by this approval shall remain in effect.
2. In accordance with Colchester's Fee Ordinance Chapter 6 ½ - 4 (9) the applicant is responsible for payment of all permit fees as well as for the costs of reviews conducted by third-party consultants/experts requested by the Town. All fees shall be paid prior to or at the time of obtaining a building permit.
3. No excavation, site development, or building construction shall occur until the applicant has obtained all necessary permits from the Town of Colchester in accordance with the Building, Zoning, Health and other applicable ordinances that may be required.

4. Prior to the recording of the Final Plat, the applicant shall submit two sets of revised plans depicting the following:
 - a. Two (2) benches along the primitive path bisecting Owls Glen loop road.
 - b. Landscaping of fencing to screen Pump Station Two and Three from the adjacent residential lots. Plantings shall be located around street light disconnects so that equipment is not visible from the street.
 - c. The wastewater wet well detail on Sheet 31 shall reference a minimum thirty inch by thirty inch access hatch.
 - d. Sheet 22 shall be revised as the detail for Street Lighting is incorrectly labeled as "Typical Parking Lot Light".
5. The project shall be constructed in four phases over a maximum of ten years from the time of Final Plat approval: 1) phase one including Lot 30 through 53 (27 single family units) being constructed over three years, 2) phase two including the recreation area on Lot 4, Lots 9 through 12 (units 7, 8, 9, and 10 only) (4 single lots, 6 duplex units, recreation – playground) being constructed over one-and-a-half years, 3) phase three including Lots 12 through 26 and Lots 54 through 57 (18 single family lots, 2 duplex units, recreation area – pool & walks) being constructed over two years, and 4) phase four including Lots 1, 2, 3, (56 multi-family units) being constructed over three years. Each phase shall be substantially completed prior to the start of the next phase. Should a phase not be fully completed prior to advancing to the next phase, the public improvement agreement shall withhold the necessary funds to complete the remainder of the unfinished phase until such time as it is completed.
6. Prior to issuance of individual building permits, the applicant shall submit a letter from CWD stating that there is adequate water storage to serve the project. Fire District #3 shall review and approve the proposed water system design prior to Final Plat submittal.
7. Prior to the issuance of a building permit for Phase Four, the applicant shall receive wastewater allocation for the remainder of the units or provide a septic plan showing how the wastewater will be accommodated.
8. Prior to the issuance of a building permit for Phase Four, the applicant shall perform a warrant analysis and construct all necessary improvements prior to advancing to the fourth phase of the project.
9. The multi-family buildings (eight-plexes A – F) shall be constructed in accordance with the architectural guidelines submitted and approved as part of this application. Minor deviations shall be permissible as deemed appropriate by the Town Planner as long as the overall style is adhered to. This colonial revival style includes: two stories in height overtop a drive-under garage with a front gabled roof clad with earth-tone or lights pastel vinyl siding and topped with architectural grade asphalt shingles.
10. No outside storage is requested or approved at this time.

11. All directional signage and street name signs shall be installed prior to issuance of a Certificate of Occupancy.
12. All residential units shall meet or exceed the Vermont Residential Building Energy Standards.
13. Mechanical equipment for the eight-plex buildings will be located on the ground and screened by evergreen plantings or fencing or, if roof mounted mechanical equipment is necessary, it shall be shielded from view by screen walls per the multi-family design guidelines.
14. The eight-plex buildings will be required to be equipped with sprinklers with a four-inch STORZ fire department connection (FDC) in a location to be determined by the Officer.
15. A locator light shall be placed above the FDC on the multi-family buildings.
16. An access box shall be placed on the exterior of the multi-family buildings in a location to be determined by the Officer. All keys, as necessitated under Section 43 of the Chapter Seven of the Colchester Code of Ordinances (Fire Regulations), shall be supplied to the Colchester Center Volunteer Fire Company to be located in the box prior to issuance of a Certificate of Occupancy.
17. Fire alarm panels shall be installed on the multi-family buildings in a location to be determined by the Officer.
18. If the eight-plex buildings employ elevators, the elevators shall meet the specifications of Section 62 of the Fire Regulations.
19. All fire hydrants shall meet or exceed the minimum National Fire Protection Association flow requirements.
20. Prior to the issuance of any Building Permits the property front line corners for each lot shall be established with witness stakes or iron pins. Prior to issuance of a Certificate of Occupancy said property line corners shall be established with permanent monumentation.
21. Prior to issuance of a Certificate of Occupancy the E-911 address and unit number shall be posted on the exterior of each unit in an area that will be lit when and if a porch or other exterior light is on and all directional signage and street names signs shall be installed.
22. All utilities within the project shall be underground.
23. All satellite dishes shall be attached to a primary structure. No more than two satellite dishes shall be located on a structure without Site Plan approval by the Development Review Board. Every effort shall be made to screen such dishes and locate such dishes off the primary façade of a structure.

24. The proposed public road and all infrastructure shall be designed in accordance with Chapter 14 of the Colchester Town Ordinances except for the waivers specifically granted in the Director of the Department of Public Works waiver of 3/19/07.
25. Parking shall be restricted to one side of the street on Owls Glen Circle, Glen Oak Road, and Sunny Ridge Road and signed accordingly prior to acceptance by the Town of Colchester.
26. No excavation, site development, or building construction shall occur until the applicant has obtained all necessary permits from the Town of Colchester in accordance with the Building, Zoning, Health and other applicable ordinances that may be required.
27. A sign application must be submitted by the applicant and must be reviewed and approved by the Zoning Administrator prior to the erection of any signs. No signage is approved at this time.
28. Prior to issuance of a building permit, the applicant shall:
 - a. schedule a pre-construction meeting with Town Staff;
 - b. submit the Declaration of Condominium and all relevant Homeowners' Association documents to the Town Attorney for review and approval. The Homeowner's Association documents shall address the following: 1) provide for ownership and maintenance of all proposed trails and recreation facilities, 2) provide for open space maintenance and restrictions, 3) eight-plex trash disposal, and 4) prohibit recreation vehicles.
 - c. submit a Public Improvement Agreement with the Town that includes sufficient surety which guarantees the installation of all required public improvements and warrants their performance for a two-year period following final construction inspection and acceptance. The amount of the surety shall be approved by the Town Engineer, and the form and execution of the surety and development agreement shall be approved by the Town Attorney. For the purposes of this section all public roadways, traffic signage, streetlights, street trees, and drainage improvements and other public infrastructure shall be considered public improvements.
 - d. submit adequate surety to guarantee the installation and performance of the approved landscaping.
 - e. submit executed warranty deeds for all rights-of-way and easements to be dedicated to the Town, and a Certificate of Title showing the title to be free and clear of all encumbrances. All applicable State permits shall be submitted with the deeds and easements to ensure that the Town will not be unduly burdened by these permits. Deeds and certificates shall be approved by the Town Attorney. Approval of deeds by the Town does not constitute acceptance of the right-of-way. The Town may release all interest to the right-of-way at any time.
 - f. submit easements to the Town Attorney for review and approval;
 - g. submit draft deeds to the Town Attorney for review and approval. The applicant shall have an indemnification article in each homeowner's deed that states that the Town will be held harmless should groundwater backup into any residence. The proposed 8" SDR35 PVC Stub for the yard drain at Lot 16, if constructed, shall include a catch basin structure.
 - h. submit to the Town Engineer for all proposed public roads: 1) a traffic and engineering study for speed limits, and 2) a warrant analysis for any location where a stop sign is

- proposed. These studies shall be conducted by a licensed engineer and approved by the Town Engineer.
- i. shall contribute toward the design and construction of improvements to the Severance Corner's Intersection and pedestrian improvements along Severance Road and U.S. Rt. 7 as outlined in a Public/Private Partnership Agreement to be negotiated between the Town of Colchester and all Developers within the Severance Corners Growth Center.
 - j. shall execute a maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management measure. The maintenance agreement shall be recorded in the land records before the issuance of a building permit. The Homeowners Association and the Town of Colchester will become co-applicants on the stormwater permit upon acceptance of the stormwater infrastructure within the Right-of-Way by the Town.
29. In accordance with Colchester's Fee Ordinance Chapter 6 ½ - 4 (9) the applicant is responsible for payment of all permit fees as well as for the costs of reviews conducted by third-party consultants/experts requested by the Town. All fees shall be paid prior to or at the time of obtaining a building permit.
30. By acceptance of these Findings of Fact and Order the Permittees agree to allow representatives of the Town of Colchester access to the property covered by the approval for the purpose of ascertaining compliance with all local regulations and with this Order.
31. Disposal of excavated earth material, stumps, brush, or other material removed from this site shall take place at a location properly permitted for such activity. Placement of fill material in Colchester requires a permit to be obtained by the owner of the land to be filled. Improper placement of material from this site shall constitute a violation of this approval.
32. Record drawings shall be submitted to, and approved by the Town Engineer prior to acceptance of any public improvements. Record drawings shall be submitted in paper and digitally (compatible with NAD83) and shall include all public improvements and infrastructure located within the public right-of-way, and all private infrastructure located outside of public right-of-way, including but not limited to storm water ponds, pipes, ditches, swales, catch basins, manholes and any other storm water system feature, and, all private wastewater infrastructure, including, but not limited to leach fields, septic tanks, pumping station pipes, etc.
33. The Town may require full time inspection during installation of public improvements by the Town's designated inspector to be paid by the permittee.
34. Prior to issuance of a Certificate of Occupancy, the Town Engineer or designee shall conduct an inspection of public improvements. Such improvements, to the extent that they affect safe occupancy of the property, shall be substantially complete and satisfactory for Town acceptance. No Certificate of Occupancy shall be issued prior to installation, completion, and formal acceptance by the Town of all public improvements.

35. Prior to recording the Final Plat plan, the applicant shall submit a copy of the survey plat in digital format (NAD83) meeting the Town of Colchester "Specifications for the Submission of Survey Plats, Final Plat Plans & Boundary Line Adjustments in Digital Form" Policy. The format of the digital information shall require approval of the Town Planner. Upon certification by the Chairman or Clerk, the Mylar copy shall be submitted to the Town Clerk to be filed in the Town Land Records.
36. The Final Plat plan shall be recorded in the Town of Colchester land records within 180 days of Final Plat approval or the Final Plat approval is null and void. The final plat plan shall be in the form of a Mylar copy (18" by 24") depicting meets and bounds survey of the approved subdivision and shall identify a minimum of three witness monuments located, or to be located on, the property with boundaries referenced to the Colchester Plane Coordinate System (coincident with the Vermont Plane Coordinate System) based on the 1983 North American Datum. Such monuments shall be established at a minimum survey error of closure of 1:10,000. All plans to be recorded shall meet the requirements of the Town of Colchester's "Specifications for the Submission of Survey or Boundary Line Adjustment Mylars to be recorded in the Town Land Records" Policy. The plan shall be signed by the Development Review Board Chair or Clerk prior to recording.
37. The project shall be constructed and operated in accordance with the submitted application documents, the stamped approved plans, the Findings of Fact and Order, the Colchester Zoning Regulations and Subdivision Regulations. There shall be no change in the proposed use or approved plans without prior approval of the Town. The Development Review Board reserves the right to review and issue supplementary Findings of Fact and Order for any substantial change in the project approved herein. Any unauthorized change from the approved plans shall be grounds for revocation of the Order and approval.

IV. APPEAL RIGHTS

The owner of the project property and interested persons have a right to appeal this decision, within 30 days of the date this decision is issued, to the Vermont Environmental Court, pursuant to 24 V.S.A. § 4471 and V.R.E.C.P. in writing to the Vermont Environmental Court, 2418 Airport Road, Barre, Vermont 05641 and a copy to Colchester Development Review Board at P.O. Box 55, Colchester, Vermont 05446. The fee is \$225.00 made payable to Vermont Environmental Court. If you fail to appeal this decision, your right to challenge this decision at some future time may be lost because you waited too long. You will be bound by the decision, pursuant to 24 V.S.A. § 4472 (d) (exclusivity of remedy; finality). This also applies to any interested person(s) who may have had a right to appeal.

Dated at Colchester, County of Chittenden, State of Vermont this 12th day of December 2007.

DEVELOPMENT REVIEW BOARD